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Transmittal Number: 22141804
Date Processed: 10/12/2020

Notice of Service of Process

Primary Contact: Lisa Girgen
Securian Financial Group, Inc
400 Robert St N
Saint Paul, MN 55101-2098

Electronic copy provided to: Christine Peterson-Law
Tiffany Bacon Pokela

Entity: Minnesota Life Insurance Company
Entity ID Number 3678638

Entity Served: Minnesota Life Insurance Company

Title of Action: Beverly Redenius, Executor of the Estate of Susan M. Dunakey vs. Minnesota Life Insurance Company

Matter Name/ID: Beverly Redenius, Executor of the Estate of Susan M. Dunakey vs. Minnesota Life Insurance Company (10571432)

Document(s) Type: Notice and Complaint

Nature of Action: Contract

Court/Agency: Black Hawk County District Court, IA

Case/Reference No: LACV141178

Jurisdiction Served: Iowa

Date Served on CSC: 10/12/2020

Answer or Appearance Due: 20 Days

Originally Served On: CSC

How Served: Personal Service
Sender Information: Emma C. Henry
319-338-7551

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IN THE IOWA DISTRICT COURT IN AND FOR BLACK HAWK COUNTY

BEVERLY REDENIUS, EXECUTOR OF THE ESTATE OF SUSAN M. DUNAKEY,)	Case No.
Plaintiff,)	ORIGINAL NOTICE
vs.)	
<u>MINNESOTA LIFE INSURANCE COMPANY,</u>)	
Defendant.)	

TO THE ABOVE-NAMED DEFENDANTS:

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendants in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The attorneys for the plaintiffs are Steven E. Ballard, Emma C. Henry, and Leff Law Firm, L.L.P., whose address is 222 South Linn Street, Iowa City, Iowa, 52240-1601. That attorney's phone number is 319-338-7551; facsimile number 319-338-6902; email is ballard@lefflaw.com and henry@lefflaw.com.

You are further notified that the above case has been filed in a county that utilizes electronic filing. You must serve a motion or answer within 20 days after service of this original notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Black Hawk County, at the county courthouse in Waterloo, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition. Please see Iowa Court Rules Chapter 16 for information on electronic filing and Iowa Court Rules Chapter 16, division VI regarding the protection of personal information in court filings.

If you need assistance to participate in court because of a disability, call the disability coordinator at (319) 833-3332. Persons who are hearing or speech impaired may call Relay Iowa TTY at 1-800-735-2942. **Disability coordinators cannot provide legal advice.**

IMPORTANT
YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE
TO PROTECT YOUR INTERESTS.

STATE OF IOWA JUDICIARY

Case No. LACV141178
County BlackHawk

Case Title B REDENIUS VS MINNESOTA LIFE INS

THIS CASE HAS BEEN FILED IN A COUNTY THAT USES ELECTRONIC FILING.

Therefore, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless you obtain an exemption from the court, you must file your Appearance and Answer electronically.

You must register through the Iowa Judicial Branch website at <http://www.iowacourts.state.ia.us/Efile> and obtain a log in and password for the purposes of filing and viewing documents on your case and of receiving service and notices from the court.

**FOR GENERAL RULES AND INFORMATION ON ELECTRONIC FILING, REFER TO THE IOWA COURT RULES CHAPTER 16 PERTAINING TO THE USE OF THE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM:
<http://www.iowacourts.state.ia.us/Efile>**

FOR COURT RULES ON PROTECTION OF PERSONAL PRIVACY IN COURT FILINGS, REFER TO DIVISION VI OF IOWA COURT RULES CHAPTER 16: <http://www.iowacourts.state.ia.us/Efile>

Scheduled Hearing:

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (319) 833-3332 . (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

Date Issued 10/08/2020 08:21:34 AM



District Clerk of BlackHawk

County

/s/ Gar Osland

IN THE IOWA DISTRICT COURT IN AND FOR BLACK HAWK COUNTY

BEVERLY REDENIUS, EXECUTOR OF THE ESTATE OF SUSAN M. DUNAKEY,)	Case No. _____
Plaintiff,)	
vs.)	PETITION AT LAW AND JURY DEMAND
MINNESOTA LIFE INSURANCE COMPANY,)	
Defendant.)	

COMES NOW Plaintiff, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, by and through counsel, Steven E. Ballard, Emma C. Henry and LEFF LAW FIRM, L.L.P.; 222 South Linn Street, Iowa City, Iowa 52240-1601; Telephone: 319/338-7551; Facsimile: 319-338-6902; emails: ballard@lefflaw.com, henry@lefflaw.com; and for her cause of action against Defendant, Minnesota Lie Insurance Company, states as follows:

PARTIES

1. Plaintiff, Beverly Redenius ("Beverly"), is and at all times material hereto was an individual residing in Cedar Falls, Black Hawk County, Iowa.
2. Susan M. Dunakey ("Susan") was at all times material hereto a resident of Cedar Falls, Black Hawk County, Iowa.
3. Susan died testate August 8, 2018 in Black Hawk County, Iowa, where she was domiciled.

4. Beverly is the duly appointed Executor of the Estate of Susan M. Dunakey, Black Hawk County Cause No. ESPR061417.

5. Defendant, Minnesota Life Insurance Company ("MLIC"), is an insurance company organized and existing under the laws of the State of Minnesota with its principal place of business in St. Paul, Minnesota.

6. MLIC sold an accidental death and dismemberment policy of insurance to Susan in Black Hawk County, Iowa.

JURISDICTION AND VENUE

7. This court has jurisdiction over the parties to and the subject matter of and relief sought by this action. See Iowa Code § 610.10 (2020) ("Insurance companies may be sued in any county . . . in which the contract of insurance was made, or in which the loss insured against occurred, or, in case of insurance against death or disability, in the county of the domicile of the insured at the time the loss occurred, or in the county of plaintiff's residence.")

8. The amount in controversy in this action exceeds the minimal jurisdiction amount to this Court.

9. Venue is appropriate in the Iowa District Court for Black Hawk County, Iowa.

FACTUAL ALLEGATIONS

10. Beverly is the mother of Susan.

11. Susan was an insured under an Accidental Death and Dismemberment Insurance Benefit Policy issued by MLIC.

12. Susan signed an Activation Form for the MLIC Accidental Death and Dismemberment Insurance Benefit Policy on April 6, 2016.

13. Susan paid all premiums associated with the policy.

14. On or about August 8, 2016, Susan was found unresponsive in her home and was hospitalized in Black Hawk County, Iowa.

15. Susan passed away or about August 11, 2016, a result of the anoxic encephalopathy.

16. After Susan's death, Susan's son, Tyler Dunakey ("Tyler"), filed a claim with MLIC under Susan's Accidental Death and Dismemberment Insurance Benefit Policy.

17. On or about June 15, 2017, MLIC denied the claim.

18. MLIC has wrongly and improperly denied payment of benefits to the Estate of Susan M. Dunakey.

COUNT I BREACH OF CONTRACT - FAILURE TO PROVIDE BENEFITS

For her cause of action premised on breach of contract, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, states as follows:

19. Beverly repleads and realleges each and every allegation set forth in paragraphs one through 18 of this Petition with the same force and effect as if set forth verbatim here.

20. Susan had a contract with MLIC that included coverage for certain losses as set forth in the MLIC Accidental Death and Dismemberment Benefit Policy.

21. The contract was in writing.

22. A true and correct copy of the contract, denominated "Specimen Copy", is attached as Exhibit "A."

23. Susan paid all premiums associated with the policy and did everything else required of her under the terms of the policy.

24. Susan's death was accidental and covered by the MLIC policy.

25. Tyler and Beverly have submitted claims to MLIC for policy benefits.

26. MLIC breached the contract by denying coverage and payment of the claim after Susan's death.

27. As a consequence of MLIC's breach of contract, the Estate of Susan M. Dunakey has been damaged in an amount that exceeds the jurisdictional minimum of this Court.

WHEREFORE, Plaintiff, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, respectfully prays that the Court enter judgment in her favor and against Defendant, Minnesota Life Insurance Company, in an amount reasonably calculated by the trier

of fact to compensate her fully and adequately for her damages; interest on all damages as provided by law; the costs of this action; interest on the judgment as provided by law; and for such other and further relief as the court deems just and equitable in the premises.

COUNT II - BAD FAITH DENIAL OF COVERAGE

For her cause of action premised on bad faith denial of coverage, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, states as follows:

28. Beverly repleads and realleges each and every allegation set forth in paragraphs one through 27 of this Petition with the same force and effect as if set forth verbatim here.

29. MLIC denied the claim for benefits under Susan's Accidental Death and Dismemberment Benefit Policy.

30. There was no reasonable basis for denying the claim.

31. MLIC knew or had reason to know that there was no reasonable basis for denying the claim.

32. MLIC's denial of the claim was a cause of damage to the Estate of Susan M. Dunakey in an amount that exceeds the jurisdictional minimum of this Court.

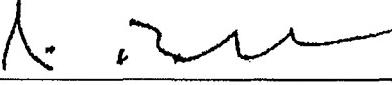
33. MLIC's denial of the claim amounts to malice and/or gross negligence, and warrants an award of punitive damages.

WHEREFORE, Plaintiff, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, respectfully prays that the Court enter judgment in her favor and against Defendant, Minnesota Life Insurance Company, in an amount reasonably calculated by the trier of fact to compensate her fully and adequately for her damages; interest on all damages as provided by law; the costs of this action; interest on the judgment as provided by law; and for such other and further relief as the court deems just and equitable in the premises.

WHEREFORE, Plaintiff, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, further respectfully prays that the Court enter judgment in her favor and against Defendant, Minnesota Life Insurance Company, in an amount reasonably calculated by the trier of fact to punish Minnesota Life Insurance Company for its conduct and to deter it and others similarly situated from such like-minded conduct in the future; interest on all damages as provided by law; the costs of this action; interest on the judgment as provided by law; and for such other and further relief as the court deems just and equitable in the premises.

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, Beverly Redenius, Executor of the Estate of Susan M. Dunakey, and pursuant to Iowa R.Civ.P. 1.902 (2020), hereby demands trial by jury of all issues herein.


Steven E. Ballard, AT0000651


Emma C. Henry, AT0014175
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